

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

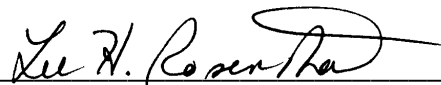
CBX TRANSPORTATION, INC.,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-06-2611
	§	
GULF ATLANTIC REFINING &	§	
MARKETING LP,	§	
	§	
Defendant.	§	

ORDER OF PENDING DISMISSAL

It has come to the attention of this court that this action against Gulf Atlantic Refining & Marketing LP, has not been answered within 20 days as required by Rule 12(a), Fed. R. Civ. P., and that over 45 days have passed from the date an answer was due without any action by the plaintiff. The local rules allow the court summarily to dismiss an action in these circumstances.

This notice is to inform you that if the appropriate motions have not been by **November 30, 2006**, this case will be automatically dismissed without prejudice for want of prosecution. The initial pretrial and scheduling conference set for November 17, 2006, is canceled.

SIGNED on November 6, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge